

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE RAMON CISNEROS PEREZ,

Defendant.

**8:21CR152**

**ORDER**

This matter is before the Court on defendant Jose Ramon Cisneros Perez's ("Perez") Motion to Suppress (Filing No. 29) "a statement taken from him by law enforcement on December 9, 2020." In accordance with 28 U.S.C. § 636(b)(1)(B), the Court referred Perez's motion to a magistrate judge<sup>1</sup> for initial review. *See also* Fed. R. Crim. P. 59(b)(1).

Following an evidentiary hearing, the magistrate judge issued a Findings and Recommendation (Filing No. 40) recommending the Court deny Perez's motion. The magistrate judge determined Perez "was not in custody at the time he was interviewed," and the statements he gave "were entirely voluntary." Perez timely objected (Filing No. 41) to both findings. The government did not respond.

After careful de novo review, *see* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3), the Court finds Perez's motion to suppress should be denied. The Court agrees with the magistrate judge that (1) Perez was not in custody when he made the challenged statements to law enforcement and (2) his statements were voluntary. For those reasons,

IT IS ORDERED:

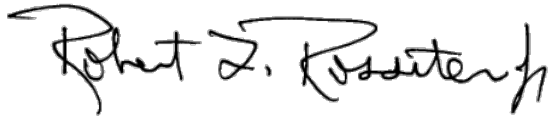
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<sup>1</sup>The Honorable Susan M. Bazis, United States Magistrate Judge for the District of Nebraska.

1. Defendant Jose Ramon Cisneros Perez's objections (Filing No. 41) are overruled.
2. The magistrate judge's Findings and Recommendation (Filing No. 40) is accepted.
3. Perez's Motion to Suppress Search (Filing No. 29) is denied.

Dated this 30th day of March 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge